

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

CRL.A.No. 422 of 2002()

ST.126/2000 of CHIEF JUDICIAL MAGISTRATE, ALAPPUZHA

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APPELLANT: COMPLAINANT

A.M.IYAS, S/O.ANDUL RAHMAN,
TOUFEEQ MANZIL, THONDANKULANGARA WARD,
AVALUKUNNU P.O., ALAPPUZHA.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS: ACCUSED/STATE

1. MURUGAN, SAINABA MANZIL, THATHAMPALLY,
ALAPPUZHA.

2. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.422 of 2002(A)
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Dated this the 20th day of August, 2007

J U D G M E N T

The appellant is the complainant in S.T.No.126/2000 in the file of the Chief Judicial Magistrate, Alappuzha, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned due to unavoidable circumstances.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 24/09/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

**K.R.UDAYABHANU,
Judge**

ms

K.R.UDAYABHANU, J.

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Crl.A.No.422 of 2002(A)
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J U D G M E N T

20th August, 2007